

REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed July 10, 2003. Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance. Entry of these amendments and reconsideration to that end is respectfully requested.

The Examiner has requested new formal drawings. Enclosed in response to this request are new formal drawings.

The Examiner has objected to the specification. Specifically, the Examiner has found that the corrections previously submitted were not correct. Applicant wishes to apologize for this error, caused at least in part by the prior amendment procedures no longer in force. The above specification amendments are deemed fully responsive to these objections.

The Examiner has rejected claims 1-4, 6-14, and 16-18 under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,070,150, issued to Remington et al (hereinafter referred to as "Remington"). This ground of rejection is respectfully traversed.

In examining claim 1, the Examiner has not addressed the preamble, choosing instead to state:

Regarding claim 1, Remington et al. teaches a data processing environment and apparatus as claimed, the improvement comprising:

It is Applicant's position that claim 1 is a Jepson type claim and that therefore the Examiner's statement does not comply with MPEP which states in part:

608.01(m) Form of Claims

The form of claim required in 37 CFR 1.75(e) is particularly adapted for the description of improvement-type inventions. It is to be considered a combination claim. The preamble of this form of claim is considered to positively and clearly include all the elements or steps recited therein as a part of the claimed combination. (Emphasis added)

However, in response thereto, claim 1 has been amended above to render it no longer in Jepson format in the hopes that the Examiner would thereby consider the limitations which had previously been in the preamble.

Claim 1, as amended, is limited by "a user terminal which generates a service request and displays a report". This element is not found in Remington. The Examiner has read the "user terminal" limitation on "consumer 114" of Remington. There is no showing that "consumer 114" of Remington can "generate a service request".

Claim 1 is further limited by "a data base management system which generates said report". Again, Remington does not have this element. Instead the Examiner cites Remington, column 9, lines 7-58, and column 10, lines 33-42. These citations describe portions of Figs. 6-8. This functionality occurs within "consumer 114" which the Examiner has found to be the claimed "user terminal". Column 6, lines 47-56, states:

FIG. 6 is a block diagram of a consumer's computer used in the FIG. 4 system.

FIG. 7 is a diagrammatic illustration of a graphical user interface window of a bill presentment and payment application executing on the consumer's computer, showing an example format for presenting a bill to a consumer.

FIG. 8 is an example illustration of a graphical user interface window showing a billing statement for a fictitious company as it arrives at a consumer's computer. (Emphasis added)

Thus, the Examiner has impermissibly read the "consumer 114" of Remington on to both the claimed "user terminal" and "data base management system". The reading of the single "consumer 114" onto both of these claim elements is clearly erroneous as a matter of fact and incorrect as a matter of law.

Having read "consumer 114" on to both claim elements a and b, the Examiner finds that claim element c, "a software controlled server responsively coupled to said user terminal via said publicly accessible digital communications network and responsively coupled

to said data base management system which receives said service request and forwards it to said data base management system for honoring" is found in Remington as "biller 112". The configuration implied by this finding makes no sense and is clearly not related to the claimed invention. Thus, the rejection of claim 1, and all claims depending therefrom, is respectfully traversed as based upon clearly erroneous findings of fact and incorrect application of controlling law.

Claim 6 has been similarly rejected. Again, the Examiner finds that claim 6, element a, "user terminal" and claim 6, element d, "data base management system" are both "consumer 114" as discussed above. As a result, rejection of claim 6, and all claims depending therefrom, is respectfully traversed as based upon clearly erroneous findings of fact and incorrect application of controlling law.

Claim 11 is an independent method claim. The Examiner reads operations within "consumer 114" on to the step of "automatically generating a report....." (See col. 9, lines 7-58, and col. 10, lines 33-42). As a result, the finding concerning steps b-e must necessarily be clearly erroneous. The rejection of claim 11 is respectfully traversed as based upon clearly erroneous findings of fact and incorrect application of controlling law.

Claim 16 is an independent apparatus claim employing "means-plus-function" limitations. As such, MPEP 2181 et seq are controlling as to the examination procedures. Again, the Examiner has impermissibly found that "consumer 114" of Remington is read on both claim element a, "means for permitting" and claim element b, "means for generating". The rejection of claim 16, and all claims depending therefrom, is respectfully traversed as contrary to controlling law.

Claim 2 depends from claim 1 and is further limited by "a plurality of user terminals which display said report.....". That means that a single report is displayed at more than one "user terminal". Surely, the Examiner does not allege that Remington teaches sending the same bill to more than one consumer. The rejection of claim 2 is respectfully traversed as based upon clearly erroneous findings of fact.

Claim 4 depends from claim 3 and is further limited by "storage of said report in final form". There is no showing concerning the format in which Remington may store any particular bill. The rejection of claim 4 is respectfully traversed as based upon clearly erroneous findings of fact.

Claim 7 requires a single report to be displayed by a plurality of user terminals. This is not shown in Remington as

described above. The rejection of claim 7, and any claim depending therefrom, is respectfully traversed as based upon clearly erroneous findings of fact.

Claim 8 has been rejected using certain alleged "analogies". However, there is no showing in Remington of storage in "final form". The rejection of claim 8 is respectfully traversed as based upon clearly erroneous findings of fact.

In rejecting claim 18, the Examiner again makes "analogies" concerning the storage of bills, but Remington does not show what format the bills are in. The rejection of claim 18 is respectfully traversed.

The Examiner has rejected claims 5, 15, 19, and 20 under 35 U.S.C. 103(a) as being unpatentable over Remington in view of Applicant's Admitted Prior Art. This ground of rejection is respectfully traversed for failure of the Examiner to show motivation. Applicant's specification states at page 5, lines 1-8, states:

However, with CLASSIC MAPPER system, as well as with similar proprietary data base management systems, the user must interface with the data base using a terminal coupled directly to the proprietary system and must access and manipulate the data using the Mapper Run command language of CLASSIC MAPPER. Ordinarily, that means that the user must either be co-located with the hardware which hosts the data base management system or must be coupled to that hardware through dedicated

telephone, satellite, or other data links. Furthermore, the user usually needs to be schooled in the command language of CLASSIC MAPPER (or other proprietary data base management system) to be capable of generating Mapper Runs.

It is respectfully submitted that these characteristics of the CLASSIC MAPPER data base management system would preclude one of skill in the art from attempting the alleged combination.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, as amended, being the only pending claims.

Respectfully submitted,

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By his attorney,

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